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*Attorneys for Plaintiff*  
**BLK Brands, LLC**

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CV 11-06378** 6W(8x)

BLK BRANDS, LLC, a New Jersey  
Limited Liability Company,

Plaintiff,

vs.

BLACKWATER INNOVATIONS  
CORP., a Canadian Corporation; IVAN  
SOLOMON, an individual; and,  
GORDON JUNG.

Defendants.

CASE NO.

**COMPLAINT FOR DAMAGES:**

- (1) **TRADEMARK INFRINGEMENT;**
- (2) **FEDERAL UNFAIR  
COMPETITION;**
- (3) **COMMON LAW UNFAIR  
COMPETITION;**
- (4) **DECLARATORY RELIEF**

Plaintiff BLK Brands, LLC for its claims against Defendants Blackwater  
Innovations, Corp., Ivan Solomon, and Gordon Jung ("Defendants") respectfully  
alleges as follows:

**JURISDICTION AND VENUE**

1. Jurisdiction is proper in this Court because this litigation arises under  
federal law, namely 17 U.S.C. § 1051, et seq. (Lanham Act). The Court has subject  
matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 (federal question), 28  
U.S.C. § 1338(a) (trademarks), and 28 U.S.C. § 2201 (Declaratory Judgment Act).

2. This Court has personal jurisdiction over Defendants because Defendants  
conduct business within the Central District of California and the claims arise under

1 federal law and Defendants are not subject to jurisdiction in any other state's courts of  
2 general jurisdiction [Fed.R.Civ.P. 4(k)(2)]

3 3. Venue is proper in this district pursuant to 28 U.S.C. §1391 because the  
4 claims asserted arise in this district.

5 **THE PARTIES**

6 4. Plaintiff BLK Brands, LLC is a limited liability company duly organized  
7 and existing under the laws of the state of New Jersey, having its headquarters and  
8 principal place of business in New York, New York.

9 5. Upon information and belief, Defendant Blackwater Innovations Corp. is  
10 a corporation organized and existing under the laws of Canada, having its headquarters  
11 and principal place of business in Vancouver, Canada.

12 6. Upon information and belief, Defendant Ivan Solomon is an individual  
13 and is one of the conscience, dominant and active forces behind the wrongful acts of  
14 Defendant Blackwater Innovations Corp complained of herein, which wrongful acts he  
15 has engaged in for the gain and benefit of Defendant Blackwater Innovations Corp.  
16 and for his own individual gain and benefit.

17 7. Upon information and belief, Defendant Gordon Jung is an individual and  
18 is one of the conscience, dominant and active forces behind the wrongful acts of  
19 Defendant Blackwater Innovations Corp complained of herein, which wrongful acts he  
20 has engaged in for the gain and benefit of Defendant Blackwater Innovations Corp.  
21 and for his own individual gain and benefit.

22 **FIRST CLAIM FOR RELIEF**

23 **(Trademark Infringement)**

24 8. Louise Wilkie and Jaqueline Wilkie originally owned a Canadian  
25 company named CE Organics that worked primarily in the organic manufacturing of  
26 syrups and sauces for the coffee market.

27 9. In or around 2004 Louise Wilkie and Jaqueline Wilkie began doing  
28 research into substances that could nutritionally support their mother, who was

1 diagnosed with breast cancer. They came across Fulvic Acid which seemed like it had  
2 the possibility to meet their requirements.

3 10. In or around May of 2008 Louise and Jaqueline Wilkie's mother was  
4 diagnosed with terminal bone cancer, at which point her doctors told her: (i) to get her  
5 affairs in order; (ii) to arrange for palliative care; and, (iii) that she had less than one  
6 year to live. The Wilkies began supplying their mother with Fulvic concentrate  
7 powder to help her after her chemo therapy sessions for bone cancer. Their mother  
8 responded well to taking the Fulvic acid and it made her joints feel much better. To  
9 date their mother is still living an independent active life, walking without assistance  
10 and is not under palliative care. This home-grown research spurred the idea for a  
11 water-based drink containing Fulvic Acid.

12 11. After extensive research and creation of a formula by the Wilkies  
13 through their company CE Organics, BLACKWATER was introduced in March of  
14 2010 by a predecessor –in-interest to Plaintiff BLK Brands LLC. BLACKWATER  
15 was well received in the marketplace. In January of 2010 the Wilkies applied to  
16 register the "BLACKWATER" trademark with the United States Patent and  
17 Trademark Office based upon "intent to use".

18 12. BLACKWATER was registered thereafter on June 28, 2011 under U.S.  
19 Reg. No. 3,986,573, and the registration was thereafter assigned to BLK Brands, LLC.

20 13. BLACKWATER has been continuously used in connection with  
21 Plaintiff's water-based drink products since its date of first use.

22 14. The Wilkies first met Defendant Gordon Jung at a coffee show in Seattle  
23 in September of 2009 during which Mr. Jung expressed interest in CE Organics'  
24 manufacturing capabilities and whether it could test and produce a coffee-flavored  
25 syrup for him.

26 15. This initial meeting with Defendant Jung led the Wilkies to a series of  
27 meetings and proposed plans with Defendants Gordon Jung and Ivan Solomon to  
28 become joint owners of an entity to manufacture and sell a water-based drink

1 containing Fulvic acid. Defendants Jung and Solomon, recognizing that the Wilkies  
2 owned the BLACKWATER trademark, proposed an Assignment of the mark to an  
3 entity that the Wilkies and Defendants Jung and Solomon were to own. A copy of this  
4 proposed Assignment is annexed hereto as Exhibit A.

5 16. The Wilkies could never come to any business or financial terms with  
6 Defendants Jung and Solomon, at which point Defendants Jung and Solomon, like  
7 wild-west thieves, decided to wholesale steal the BLACKWATER trademark, attempt  
8 to register it for themselves and steal the product idea of a water-based drink with  
9 Fulvic acid from the Wilkies and compete with them.

10 17. Upon information and belief, Defendants have begun marketing,  
11 distributing, advertising, offering for sale, and/or selling its Blackwater-branded  
12 products in this judicial district.

13 18. Defendants' unauthorized use of the BLACKWATER mark in interstate  
14 commerce and advertising relating to same constitutes false designation of origin and a  
15 false representation that the goods and services are manufactured, offered, sponsored,  
16 authorized, licensed by or otherwise connected with Plaintiff or come from the same  
17 source as Plaintiff's goods.

18 19. Defendants' use of the BLACKWATER mark is without Plaintiff's  
19 permission or authority and in total disregard of Plaintiff's rights to control its  
20 trademark.

21 20. Defendants' activities are likely to lead to and result in confusion, mistake  
22 or deception, and are likely to cause the public to believe that Plaintiff has produced,  
23 sponsored, authorized, licensed or is otherwise connected or affiliated with  
24 Defendants' commercial and business activities, all to the detriment of Plaintiff.  
25 Indeed, in Defendants' own Facebook account for its Blackwater-branded product  
26 customers who use and have seen Plaintiff's BLACKWATER-branded product have  
27 assumed that Plaintiff's products are those of the Defendants.  
28

1           21. Plaintiff's BLACKWATER-branded products have received great  
2 critical acclaim and market acceptance. They are featured in one of Bravo's most  
3 watched television shows and have been adopted as a staple by Wegman's a  
4 supermarket chain with stores throughout New York, Maryland, Massachusetts, New  
5 Jersey, Pennsylvania and Virginia.

6           22. Upon information and belief, Defendants' acts are malicious, deliberate  
7 and intended to confuse the public as to the source of Defendants' goods or services  
8 and to injure Plaintiff and reap the benefit of Plaintiff's goodwill associated with  
9 Plaintiff's trademarks and products.

10          23. Defendants' acts violate the Lanham Act.

11          24. As a direct and proximate result of Defendants' willful conduct, Plaintiff  
12 has been injured and will continue to suffer injury to its business and reputation unless  
13 Defendants are restrained by this Court from using the BLACKWATER mark in  
14 connection with its business and products.

15          25. Plaintiff has no adequate remedy at law.

16          26. In light of the foregoing, Plaintiff is entitled to injunctive relief  
17 prohibiting Defendants from using the BLACKWATER mark, or any marks identical  
18 and/or confusingly similar thereto, for any purpose, and to recover from Defendants all  
19 damages, including attorneys' fees, that Plaintiff has sustained and will sustain as a  
20 result of such infringing acts, and all gains, profits and advantages obtained by  
21 Defendants as a result thereof, in an amount not yet known, as well as the costs of this  
22 action pursuant to 15 U.S.C. § 1117(a), attorneys' fees and treble damages pursuant to  
23 15 U.S.C. § 1117(b), and/or statutory damages pursuant to 15 U.S.C § 1117(c).

24                           **SECOND CLAIM FOR RELIEF**

25                           **(Federal Unfair Competition)**

26          27. Plaintiff incorporates herein by reference the averments of the preceding  
27 paragraphs as though fully set forth herein.  
28

1           28. Defendants' misappropriation of Plaintiff's BLACKWATER mark was  
2 intended to capitalize on Plaintiff's goodwill for Defendants' own pecuniary gain.  
3 Plaintiff has expended substantial time, resources and effort to create a product to  
4 which the BLACKWATER mark attaches. As a result of Plaintiff's efforts,  
5 Defendants are now unjustly enriched and is benefiting from property rights that  
6 rightfully belong to Plaintiff.

7           29. Defendants' unauthorized use of the BLACKWATER mark has caused  
8 and is likely to cause confusion as to the source of Defendants' products, all to the  
9 detriment of Plaintiff.

10          30. Defendants' acts are willful, deliberate, and intended to confuse the public  
11 and to injure Plaintiff.

12          31. Defendants' acts constitute unfair competition under the Lanham Act.

13          32. Plaintiff has been irreparably harmed and will continue to be irreparably  
14 harmed as a result of Defendants' unlawful acts unless Defendants are permanently  
15 enjoined from its infringing conduct.

16          33. Plaintiff has no adequate remedy at law.

17          34. In light of the foregoing, Plaintiff is entitled to injunctive relief prohibiting  
18 Defendants from using the BLACKWATER mark, or any marks identical and/or  
19 confusingly similar thereto, for any purpose, and to recover from Defendants all  
20 damages, including attorneys' fees, that Plaintiff has sustained and will sustain as a  
21 result of such infringing acts, and all gains, profits and advantages obtained by  
22 Defendants as a result thereof, in an amount not yet known, as well as the costs of this  
23 action pursuant to 15 U.S.C. § 1117(a), attorneys' fees and treble damages pursuant to  
24 15 U.S.C. § 1117(b).

25                                   **THIRD CLAIM FOR RELIEF**

26                                   **(Common Law Unfair Competition)**

27          35. Plaintiff incorporates herein by reference the averments of the preceding  
28 paragraphs as though fully set forth herein.

1 36. Defendants' misappropriation of Plaintiff's BLACKWATER mark was  
2 intended to capitalize on Plaintiff's goodwill for Defendants' own pecuniary gain.  
3 Plaintiff has expended substantial time, resources and effort to obtain an excellent  
4 reputation for itself and its mark. As a result of Plaintiff's efforts, Defendants are now  
5 unjustly enriched and is benefiting from property rights that rightfully belong to  
6 Plaintiff.

7 37. Defendants' unauthorized use of the BLACKWATER mark has caused  
8 and is likely to cause confusion as to the source of Defendants' products, all to the  
9 detriment of Plaintiff.

10 38. Defendants' acts are willful, deliberate, and intended to confuse the public  
11 and to injure Plaintiff.

12 39. Defendants' acts constitute unfair competition under California common  
13 law.

14 40. Plaintiff has been irreparably harmed and will continue to be irreparably  
15 harmed as a result of Defendants' unlawful acts unless Defendants are permanently  
16 enjoined from their unlawful conduct.

17 41. The conduct herein complained of was extreme, outrageous, fraudulent,  
18 and was inflicted on Plaintiff in reckless disregard of Plaintiff's rights. Said conduct  
19 was despicable and harmful to Plaintiff and as such supports an award of exemplary  
20 and punitive damages in an amount sufficient to punish and make an example of the  
21 Defendants and to deter them from similar such conduct in the future.

22 42. Plaintiff has no adequate remedy at law.

23 43. In light of the foregoing, Plaintiff is entitled to injunctive relief prohibiting  
24 Defendants from using the BLACKWATER mark, or marks and/or designs identical  
25 and/or confusingly similar thereto, and to recover all damages, including attorneys'  
26 fees, that Plaintiff has sustained and will sustain and all gains, profits and advantages  
27 obtained by Defendants as a result of their infringing acts alleged above in an amount  
28 not yet known, and the costs of this action.

**FOURTH CLAIM FOR RELIEF**

**(Declaratory Judgment on Plaintiff's Ownership of BLACKWATER Mark)**

44. Plaintiff incorporates herein by reference the averments of the preceding paragraphs as though fully set forth herein.

45. On July 18, 2011, Defendants applied for registration of the BLACKWATER mark with the United States Patent and Trademark Office.

46. Since then, Defendants have threatened to seek cancellation of Plaintiff's BLACKWATER mark and has even sent letters to Plaintiff's customers falsely accusing Plaintiff of infringing on Defendants' rights to the mark.

47. An actual, present, and justiciable controversy exists between Plaintiff and Defendants regarding ownership and rights to the BLACKWATER mark.

48. The actual controversy that exists between Plaintiff and Defendants is within this Court's jurisdiction such that this Court may declare the rights and other legal relations of the parties pursuant to 28 U.S.C. § 2201(a).

49. Pursuant to 28 U.S.C. § 2201, Plaintiff requests that this Court enter a declaratory judgment that Plaintiff is the rightful owner of the BLACKWATER mark and that use of this mark by Defendants' in interstate commerce constitutes trademark infringement.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully prays that this Court enter judgment in its favor and against Defendants as follows:

A. Entering a Declaratory Judgment that confirms Plaintiff's ownership and exclusive right to the BLACKWATER mark

B. Granting temporary, preliminary and permanent injunctive relief restraining Defendants, their agents, servants, employees, officers, associates, attorneys, and all persons acting by, through, or in concert with any of them, from:

(1) Doing business as "Blackwater Innovations, Inc." and/or doing business under any other name that contains the BLACKWATER mark.

1           (2) Using the BLACKWATER mark or any marks confusingly similar  
2 thereto in connection with the manufacture, distribution, marketing, promotion,  
3 advertising, offering for sale, and/or sale of merchandise;

4           (3) Committing any other act which falsely represents or which has the  
5 effect of falsely representing that the goods and services of Defendants are licensed by,  
6 authorized by, offered by, produced by, sponsored by, or in any other way associated  
7 with Plaintiff;

8           (4) Unfairly competing with Plaintiff.

9           C. Awarding actual damages suffered by Plaintiff as a result of Defendants'  
10 acts;

11           D. Ordering an accounting by Defendants of all gains, profits and advantages  
12 derived from their wrongful acts;

13           E. Ordering Defendants to disgorge its profits;

14           F. Awarding Plaintiff all of Defendants' profits and all damages sustained by  
15 Plaintiff as a result of Defendants' wrongful acts, and such other compensatory  
16 damages as the Court determines to be fair and appropriate pursuant to 15 U.S.C.  
17 § 1117(a).

18           G. Awarding treble damages in the amount of Defendants' profits or  
19 Plaintiff's damages, whichever is greater, for willful infringement pursuant to 15  
20 U.S.C. § 1117(b).

21           H. Awarding applicable interest, costs, disbursements and attorneys' fees,  
22 pursuant to 15 U.S.C. § 1117(b);

23           I. Awarding Plaintiff statutory damages pursuant to 15 U.S.C. §1117(c);

24           J. Ordering abandonment of Defendant Blackwater Innovations Corp.'s  
25 application to register BLACKWATER (U.S. Serial No. 85374006)

26           K. Awarding Plaintiff punitive damages in connection with its claims under  
27 California law; and  
28

1 L. Awarding Plaintiff such other and further relief as the Court deems just  
2 and proper.

3  
4 Dated: August 2, 2011

BLAKELY LAW GROUP

5  
6 By:

  
Brent H. Blakely  
Cindy Chan  
*Attorneys for Plaintiff*  
**BLK Brands, LLC.**

7  
8  
9  
10 **DEMAND FOR JURY TRIAL**

11 Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff hereby  
12 demands a trial by jury as to all claims in this litigation.

13  
14 Dated: August 2, 2011

BLAKELY LAW GROUP

15  
16 By:

  
Brent H. Blakely  
Cindy Chan  
*Attorneys for Plaintiff*  
**BLK Brands, LLC.**

TRADE-MARK ASSIGNMENT

**Assignor:** Jacqueline Wilkie of 2794 Country Woods, Surrey, BC V3S 0E9

**Assignee:** Blackwater Corporation (or the final name settled upon as the NEWCO) of which the principle charter will be incorporated in Vancouver, BC.

Trade-Mark

1. The Assignor is the owner of the following trade-mark ("the Mark"): Blackwater drink.
2. The Mark is registered at the Canadian Trade-marks Office under Trade-mark Application No. 1462612.

Assignment

3. The Assignor, in consideration of the Price and upon ratification of a fully incorporated Company in which the Assignor is named as a partner with all the rights and privileges accorded and agreed upon, the receipt and sufficiency of which is hereby acknowledged, does assign and transfer to the Assignee, the Mark and all right, title and interest in the Mark, including, but not limited to register the Mark, to renew registration of the Mark and to licence the use of the Mark.
4. The Assignee, in consideration of the Assignor assigning the Mark to the Assignee on the terms in this Agreement, will pay to the Assignor, the following amount \$ \_\_\_\_\_ ("the Price") which covers the costs, expenses and goodwill of the Assignor to initially register the Mark.
5. The Price is payable in Canadian dollars and is payable as follows: upon ratification of the incorporation and signing of articles of incorporation and shareholders' agreements by all parties named below of the Assignee.
6. Parties to be named as partners in the ratified Assignee Company (NEWCO name TBD):

1. Ivan Solomon
2. Gordie Jung

3. Jacqueline Wilkie
4. Louise Wilkie

Representations and Warranties

7. The Assignor owns the mark and asserts that the Assignor has not granted any licenses to use the mark to other parties nor is the Assignor aware of any competing claims for the mark.
8. The Assignor only agrees to assign the Mark upon the successful ratification of the Company and its articles of incorporation and partnership agreement in which the above four (4) Parties are named as beneficial owners/ partners and witnessed by a Notary Public.

Signing Details

IN WITNESS WHEREOF the Officers and Partners named below of the Company identified as the Assignee have executed this Trade-mark assignment and its articles on the \_\_\_\_ day of \_\_\_\_\_, 2010.

X

Ivan Solomon  
Authorized Signatory (NEWCO name TBD)

X

Gordon Jung  
Authorized Signatory (NEWCO name TBD)

X

Jacqueline Wilkie  
Authorized Signatory (NEWCO name TBD)

X

Louise Wilkie  
Authorized Signatory of (NEWCO name TBD)

X

Witness (Notary Public)

EXHIBIT A

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY**

This case has been assigned to District Judge George H. Wu and the assigned discovery Magistrate Judge is Suzanne H. Segal.

The case number on all documents filed with the Court should read as follows:

**CV11- 6378 GW (SSx)**

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

**NOTICE TO COUNSEL**

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

☒ **Western Division**  
312 N. Spring St., Rm. G-8  
Los Angeles, CA 90012

☐ **Southern Division**  
411 West Fourth St., Rm. 1-053  
Santa Ana, CA 92701-4516

☐ **Eastern Division**  
3470 Twelfth St., Rm. 134  
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

Brent H. Blakely (SBN 157292)  
 Cindy Chan (SBN 247495)  
 BLAKELY LAW GROUP  
 915 North Citrus Avenue  
 Hollywood, California 90038  
 Telephone: (323) 464-7400

**UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA**

BLK BRANKS, LLC, a New Jersey Limited Liability  
 Company,

PLAINTIFF(S)

v.

BLACKWATER INNOVATIONS CORP., a Canadian  
 Corporation; IVAN SOLOMON, an individual; and,  
 GORDON JUNG.

DEFENDANT(S).

CASE NUMBER

**CV 11-06378** GW (SSK)

**SUMMONS**

TO: DEFENDANT(S): BLACKWATER INNOVATIONS CORP., IVAN SOLOMON, and GORDON JUNG

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, \_\_\_\_\_, whose address is \_\_\_\_\_. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

**JULIE PRADO SEAL**

Dated: AUG - 3 2011

By: \_\_\_\_\_

Deputy Clerk

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

<b>I (a) PLAINTIFFS</b> (Check box if you are representing yourself <input type="checkbox"/> BLK BRANDS, LLC,  PLAINTIFF	<b>DEFENDANTS</b> BLACKWATER INNOVATIONS CORP., IVAN SOLOMON, and GORDON JUNG  DEFENDANTS
<b>(b) Attorneys</b> (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)	Attorneys (If Known)

<b>II. BASIS OF JURISDICTION</b> (Place an X in one box only.)  <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)  <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only</b> (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%;"> <tr> <td style="width:30%;">Citizen of This State</td> <td style="width:10%;">PTF <input type="checkbox"/> 1</td> <td style="width:10%;">DEF <input type="checkbox"/> 1</td> <td style="width:30%;">Incorporated or Principal Place of Business in this State</td> <td style="width:10%;">PTF <input type="checkbox"/> 4</td> <td style="width:10%;">DEF <input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF <input type="checkbox"/> 1	DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF <input type="checkbox"/> 4	DEF <input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
Citizen of This State	PTF <input type="checkbox"/> 1	DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF <input type="checkbox"/> 4	DEF <input type="checkbox"/> 4														
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5														
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6														

**IV. ORIGIN** (Place an X in one box only.)

☒ 1 Original Proceeding    
 ☐ 2 Removed from State Court    
 ☐ 3 Remanded from Appellate Court    
 ☐ 4 Reinstated or Reopened    
 ☐ 5 Transferred from another district (specify):    
 ☐ 6 Multi-District Litigation    
 ☐ 7 Appeal to District Judge from Magistrate Judge

**V. REQUESTED IN COMPLAINT:** JURY DEMAND: ☒ Yes   ☐ No (Check 'Yes' only if demanded in complaint.)

**CLASS ACTION** under F.R.C.P. 23: ☐ Yes   ☒ No     **MONEY DEMANDED IN COMPLAINT:** \$ 100,000+

**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)  
 TRADEMARK INFRINGEMENT UNDER LANHAM ACT

**VII. NATURE OF SUIT** (Place an X in one box only.)

<b>OTHER STATUTES</b> <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<b>CONTRACT</b> <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>TORTS</b> <b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<b>TORTS</b> <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability <b>BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <b>FORFEITURE / PENALTY</b> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input checked="" type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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**FOR OFFICE USE ONLY:** Case Number: CV11-06378

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA**  
**CIVIL COVER SHEET**

**VIII(a). IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes  
 If yes, list case number(s): \_\_\_\_\_

**VIII(b). RELATED CASES:** Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes  
 If yes, list case number(s): \_\_\_\_\_

**Civil cases are deemed related if a previously filed case and the present case:**

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or  
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or  
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or  
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**IX. VENUE:** (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.  
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	PLAINTIFF - NEW JERSEY

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.  
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

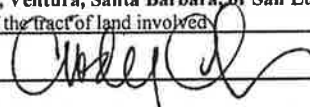
County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	ALL DEFENDANTS - VANCOUVER, CANADA

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.  
**Note: In land condemnation cases, use the location of the tract of land involved.**

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
LOS ANGELES	

\* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

**Note:** In land condemnation cases, use the location of the tract of land involved.

X. SIGNATURE OF ATTORNEY (OR PRO PER):  Date 8/2/2011

**Notice to Counsel/Parties:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

**Key to Statistical codes relating to Social Security Cases:**

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))